

IMPERIAL CONFERENCE

1923

SUMMARY OF PROCEEDINGS

(Appendices published separately in Sess. Paper No. 37a)

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*Published separately in Sess. Paper No. 37a.

IMPERIAL CONFERENCE, 1923

SUMMARY OF PROCEEDINGS

1.—PRELIMINARY NOTE

THE proceedings of the Conference opened at 10, Downing street, on October 1, 1923, and were continued until November 8. During that period 16 plenary meetings took place, which were normally attended by the following:—

GREAT BRITAIN

The Rt. Hon. Stanley Baldwin, M.P., Prime Minister (Chairman).

The Most Hon. the Marquess of Salisbury, K.G., G.C.V.O., C.B., Lord President of the Council.

The Most Hon. the Marquess Curzon of Kedleston, K.G., G.C.S.I., G.C.I.E., Secretary of State for Foreign Affairs.

His Grace the Duke of Devonshire, K.G., G.C.M.G., G.C.V.O., Secretary of State for the Colonies.

CANADA

The Rt. Hon. W. L. Mackenzie King, C.M.G., Prime Minister.

The Hon. G. P. Graham, Minister of Railways and Canals.

The Hon. Sir Lomer Gouin, K.C.M.G., Minister of Justice and Attorney-General.

COMMONWEALTH OF AUSTRALIA

The Rt. Hon. S. M. Bruce, M.C., Prime Minister.

Senator The Hon. R. V. Wilson, Honorary Minister in Charge of Departments of Health and Migration.

NEW ZEALAND

The Rt. Hon. W. F. Massey, Prime Minister.

UNION OF SOUTH AFRICA

General The Rt. Hon. J. C. Smuts, K.C., C.H., Prime Minister.

The Hon. H. Burton, K.C., Minister of Finance.

The Hon. N. J. de Wet, K.C., Minister of Justice.

IRISH FREE STATE

Professor John MacNeill, T.D., Minister of Education.

Mr. Desmond Fitzgerald, T.D., Minister of External Affairs.

NEWFOUNDLAND

The Hon. W. R. Warren, K.C., Prime Minister.

INDIA

The Rt. Hon. Viscount Peel, G.B.E., Secretary of State for India and Head of the Indian Delegation.

Colonel His Highness the Maharajah of Alwar, G.C.I.E., K.C.S.I.

Sir Tej Bahadur Sapru, K.C.S.I.

SECRETARIAT

Great Britain.—Sir M. P. A. Hankey, G.C.B.; Mr. E. J. Harding, C.M.G.

Canada.—Dr. O. D. Skelton.

Commonwealth of Australia.—Sir R. R. Garran, K.C.M.G.

New Zealand.—Mr. F. D. Thomson, C.M.G.

Union of South Africa.—Captain E. F. C. Lane, C.M.G.

Irish Free State.—Mr. P. McGilligan.

Newfoundland.—Mr. W. J. Carew.

India.—Professor L. F. Rushbrook Williams, C.B.E.

Other Ministers took part in the proceedings at one or more meetings. These were:—

GREAT BRITAIN

The Rt. Hon. Lord Robert Cecil, K.C., M.P., Lord Privy Seal.

The Rt. Hon. Neville Chamberlain, M.P., Chancellor of the Exchequer.

The Rt. Hon. W. C. Bridgeman, M.P., Secretary of State for Home Affairs.

The Rt. Hon. The Earl of Derby, K.G., G.C.B., G.C.V.O., Secretary of State for War.

The Rt. Hon. Sir Samuel Hoare, Bart., C.M.G., M.P., Secretary of State for Air.

The Rt. Hon. L. S. Amery, M.P., First Lord of the Admiralty.

The Right Hon. Sir Philip Lloyd-Greame, K.B.E., M.C., M.P., President of the Board of Trade

The Hon. W. G. Ormsby-Gore, M.P., Parliamentary Under-Secretary of State, Colonial Office.

IRISH FREE STATE

Mr. W. T. Cosgrave, T.D., President of the Executive Council.

Mr. Kevin O'Higgins, T.D., Vice-President of the Executive Council.

General R. Mulcahy, Minister of Defence.

Mr. J. C. C. Davidson, C.H., C.B., M.P., Chancellor of the Duchy of Lancaster, and Minister in Charge of Publicity, and Sir J. Masterton Smith, K.C.B., Permanent Under-Secretary of State, Colonial Office, were present at nearly all of the Sessions of the Conference.

The following also attended for the discussion of subjects which particularly concerned their respective departments:—

GREAT BRITAIN

Admiral of the Fleet Earl Beatty, G.C.B., O.M., G.C.V.O., D.S.O., First Sea Lord and Chief of Naval Staff, Admiralty.

General The Earl of Cavan, K.P., G.C.M.G., G.C.V.O., K.C.B., Chief of the Imperial General Staff, War Office.

Air Chief Marshal Sir Hugh M. Trenchard, Bart., K.C.B., D.S.O., Chief of the Air Staff, Air Ministry.

The Rt. Hon. Sir John Anderson, G.C.B., Permanent Under-Secretary of State, Home Office.

Mr. R. G. Vansittart, C.M.G., M.V.O., Private Secretary to the Secretary of State for Foreign Affairs.

Mr. A. W. A. Leeper, C.B.E., Assistant Private Secretary to the Secretary of State for Foreign Affairs.

Mr. T. Jones, Principal Assistant Secretary, Cabinet Office.

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Lieut.-Colonel C. W. G. Walker, D.S.O., Assistant Secretary, Committee of Imperial Defence.

Commander H. R. Moore, D.S.O., R.N., Assistant Secretary, Committee of Imperial Defence

Major L. A. Clemens, O.B.E., M.C., Assistant Secretary, Committee of Imperial Defence.

Major-General Sir Fabian Ware, K.C.V.O., K.B.E., C.B., C.M.G., Vice-Chairman of the Imperial War Graves Commission.

Major C. K. Phillips, O.B.E., Land and Legal Adviser, Imperial War Graves Commission.

CANADA

Major-General J. H. MacBrien, C.B., C.M.G., D.S.O., Chief of General Staff, Canada.

Commodore Walter Hose, C.B.E., R.C.N., Director of Naval Service, Canada.

COMMONWEALTH OF AUSTRALIA

Vice-Admiral Sir Allan F. Everett, K.C.M.G., K.C.V.O., C.B., First Naval Member of the Royal Australian Naval Board.

Rear-Admiral P. H. Hall-Thompson, C.M.G., First Naval Member Designate of the Royal Australian Naval Board.

Brigadier-General T. A. Blaney, C.B., C.M.G., D.S.O., Australian Representative on the Imperial General Staff, War Office.

NEW ZEALAND

Commodore A. G. Hotham, C.M.G., R.N., Naval Adviser to the New Zealand Delegation.

IRISH FREE STATE

General Sean MacMahon, Chief of Staff, Irish Free State.

Major-General J. J. O'Connell, Assistant Chief of Staff, Irish Free State.

Mr. O. Esmonde (acting for Mr. McGilligan).

INDIA

Lieut.-General Sir Alexander Cobbe, V.C., K.C.B., K.C.S.I., D.S.O., Secretary, Military Department, India Office.

Lieut.-Colonel Sir Wolseley Haig, K.C.I.E., C.S.I., C.M.G., C.B.E., Political Secretary to His Highness the Maharajah of Alwar.

In addition to the meetings of the full Conference, there were eleven meetings of Committees, and technical discussions on Defence Questions at the Admiralty and Air Ministry.

II.—OPENING STATEMENTS

In opening the Proceedings on October 1st, Mr. Stanley Baldwin, as Chairman, extended a welcome to the Representatives of the Dominions and India, and referred especially to the enlargement which had taken place in the circle of the Imperial Conference by the constitution in 1922 of the Irish Free State.

Mr. Baldwin then made a general statement on the Imperial and International situation, in which he reviewed the chief events which had taken place

since the Conference of 1921, and outlined briefly the agenda of the Conference and the main problems which would come before it.

Speeches were made in reply by the Prime Ministers of Canada, New Zealand, the Union of South Africa, and Newfoundland, by the President of the Executive Council of the Irish Free State, and by the Maharajah of Alwar for India. The cordial greeting extended by Mr. Baldwin to the Representatives of the Irish Free State was warmly endorsed by other speakers, and Mr. Cosgrave expressed his deep appreciation of the welcome which he and his colleagues had received.

These opening speeches were published in full immediately afterwards.*

The Prime Minister of the Commonwealth of Australia was not present at the opening meeting: he was unable to reach London until October 5th.

III.—MESSAGE TO THEIR MAJESTIES THE KING AND QUEEN

The first official act of the Conference, in accordance with the practice on previous occasions, was to send a message of greeting to Their Majesties the King and Queen.

The words of this message were:—

“The Prime Ministers and other Representatives of the British Empire assembled in Conference, at their first meeting and as their first official act, desire to express their respectful greetings and fidelity to the King, and fervently hope that His Majesty and Her Majesty the Queen may be long spared to strengthen those ties of love and devotion which unite the peoples of the British Commonwealth.”

His Majesty's gracious reply was read aloud by the Prime Minister of Great Britain at the meeting on October 5th and was in the following terms:—

“I sincerely thank the Prime Ministers and other Representatives of the British Empire for the generous terms of the message which they have addressed to the Queen and myself on the occasion of the opening of the Imperial Conference. I sincerely trust that their deliberations will lead to a solution of those many and grave problems the settlement of which is so essential to the future welfare and prosperity of the Commonwealth of the British Nations.

“GEORGE R.I.”

IV.—MESSAGE TO JAPAN

It was also resolved at the first meeting of the Conference to send the following message of sympathy to Japan:—

“The Prime Ministers and Representatives of Great Britain, the British Dominions and India, assembled at the Imperial Conference, desire at their opening session to send to their old and faithful ally, Japan, an expression of their profound sympathy in the terrible calamity by which she has been assailed; their admiration of the patriotic energy and unconquerable spirit with which the Japanese nation have met the

*See Appendix I Sess. Paper No. 37a.

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blow; and their confident expectation that Japan will rapidly recover from a shock that might have overwhelmed any less courageous people and will pursue, undismayed, the great part that she is destined to fill in the social and economic progress of the world."

In reply to this message a note was received from the Japanese Ambassador in London. This note, which was read aloud by the Prime Minister of Great Britain at the meeting on the 11th October, was as follows:—

"Under instructions from the Japanese Premier, I have the honour to request Your Lordship to convey to the Right Honourable Stanley Baldwin, Prime Minister, and his eminent colleagues on the Imperial Conference, the Japanese Premier's sincere thanks for the touching message of sympathy in the calamity which has befallen Japan. Count Yamamoto desires to assure Mr. Baldwin that the manifestation of cordial sentiment coming as it did so promptly from the representative statesmen of the British Empire, the old and never failing ally of Japan, has deeply moved the Japanese nation in their great distress and will give them encouragement and reassurance in taking up the tremendous task of reconstruction.

"I have, etc.

"HAYASHI."

V.—DEATH OF MR. BONAR LAW

The Rt. Hon. A. Bonar Law, Prime Minister of Great Britain from October 24th, 1922, to May 21st, 1923, died on October 31st. One of his first acts on assuming office had been to have a message of invitation sent to the Dominions and India, which resulted in the calling of the Imperial Conference and of the Imperial Economic Conference this year.

The following resolution was passed by the Conference at its meeting on the afternoon of October 31st:—

"The Members of the Imperial Conference have learnt with the most profound regret of the death of the Rt. Hon. Andrew Bonar Law, at whose invitation, issued on his assuming office last year, the present Conference is now meeting.

"They desire to express to the members of the late Prime Minister's family their deep sympathy in the irreparable loss which they and the Empire have sustained by his death."

VI.—PUBLICITY

The Conference gave special attention to the question of publicity for its proceedings. There was general agreement that at meetings of this nature, where questions of high policy and of the greatest consequence to all parts of the British Commonwealth are surveyed and dealt with, it was of the first importance that the representatives present should feel able to speak among themselves with the utmost freedom and in a spirit of complete confidence. Hence, it was considered essential that nothing should be published without the approval of the Conference as a whole and under its directions.

At the same time it was felt that the proceedings of the Conference would cause wide interest among the peoples of the countries represented, and consequently that, as opportunity offered, information regarding its deliberations should be made public.

It was decided to place the general arrangements as to publicity in charge of a British Minister, and, at the unanimous wish of the Conference, the Chancellor of the Duchy of Lancaster, Mr. J. C. C. Davidson, C.H., C.B., M.P., was asked to be present at the meetings and to undertake the necessary work.

This procedure, though of an experimental character, turned out to be of much value and at the conclusion of the meetings the Conference expressed to Mr. Davidson its great indebtedness for his valuable help.

A discussion also took place, at the instance of the Prime Minister of Canada, as to the desire of the Parliaments of the various parts of the Empire to be afforded the fullest information possible on all matters concerning which negotiations were going on, or discussions taking place, between the various Governments. It was felt that as many as possible of the communications passing ought to be made available for the use of the Parliaments, and a general understanding was reached as to the principles which should govern the publication of correspondence between the Governments.

VII.—COLONIES, PROTECTORATES AND MANDATED TERRITORIES

The Secretary of State for the Colonies gave to the Conference, on October 3rd, a comprehensive review, subsequently published*, of the situation in the Colonies, Protectorates, and Mandated Territories.

A general discussion followed on various aspects of policy in regard to the development of the Colonial Empire and the Mandated Territories, and great stress was laid by the representatives of the Dominions and India on the economic importance of these parts of the world and, in particular, on the value to the Empire as a whole of the great tropical territories in East and West Africa and in Eastern Asia.

One question touched on was the recent arrangement concluded with the Belgian Government for the rectification of the Ruanda Boundary, and it was made clear that this rectification still left available a strip of the British mandated territory of Tanganyika west of Lake Victoria, which could be utilized for the construction of a line north and south.

The Prime Minister of Newfoundland expressed his interest in the researches about to be undertaken in the Antarctic by the late Captain Scott's ship "Discovery." It had already been arranged that any information obtained from these researches should be made available to the Government of the Union of South Africa, and the Duke of Devonshire undertook that the information should be supplied also to the Newfoundland Government.

It should be added that the further developments in the Middle East, and particularly in Palestine, which occurred during the sittings of the Conference, were placed before it.

The Conference took note of these developments.

VIII.—FOREIGN RELATIONS

The discussions on foreign relations were commenced on October 5th by the Secretary of State for Foreign Affairs, who gave to the Conference a review of the general situation in every part of the world, and the most frank exposition, first, of the main problems which have confronted the Empire during the last two years, and, secondly, of those which seem most likely to arise in the near future.

*See Appendix II in Sess. Paper No. 37a.

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The greater part of what Lord Curzon said was necessarily of a confidential character, since it was his object to supplement the written and telegraphic communications of the past two years by giving orally to the Representatives of the Dominions and India the inner history of the period, but it was thought advisable that extracts from those parts of his speech which related to subjects of immediate interest and importance, viz., the situation in connection with the Reparations problem and the Turkish Treaty, should be published forthwith.*

This was a departure from the practice at previous Imperial Conferences, when statements made by the Foreign Secretary have been regarded as confidential throughout.

Lord Curzon's review was followed by a general discussion on foreign relations, in which Lord Robert Cecil as British representative on the Council of the League of Nations, all the Dominion Prime Ministers present, the Vice-President of the Executive Council of the Irish Free State and the three members of the Indian delegation, took part.†

Frequent and detailed examination was given, not only to the main features of the international situation, but to the different aspects of that situation as they developed from day to day. Nor did the Imperial Conference terminate its sittings until each subject had been carefully explored and a common understanding reached upon the main heads of foreign policy.

It was while the Conference was sitting that the President of the United States renewed the offer of the United States Government to take part in an international conference or enquiry to investigate the European Reparations problem, and to report upon the capacity of Germany to make the payments to which she is pledged. The Conference cordially welcomed, and decided to take immediate advantage of, this overture; and communications were at once entered into with the Allied Powers to obtain their co-operation.

The Conference, after careful consideration of the policy which has been pursued, was of the opinion that the European situation could only be lifted on to the plane of a possible settlement by the co-operation of the United States of America, and that, if the scheme of common enquiry to be followed by common action were to break down, the results would be inimical both to the peace and to the economic recovery of the world.

It felt that in such an event it would be desirable for the British Government to consider very carefully the alternative of summoning a Conference itself in order to examine the financial and the economic problem in its widest aspect.

The Conference regarded any policy which would result in breaking up the unity of the German State as inconsistent with the Treaty obligations entered into both by Germany and the Powers, and as incompatible with the future discharge by Germany of her necessary obligations. The strongest representations on this subject were accordingly made to the Allied Governments.

The Conference considered the situation in the Near and Middle East and recorded its satisfaction at the conclusion of peace between the Allies and Turkey. An end had thus been brought to a period of acute political tension, of military anxiety and financial strain in the eastern parts of Europe; and more particularly had great relief been given to the sentiments of the Moslem subjects of the British throne in all parts of the world.

Another of the subjects that engaged the attention of the Conference was that of Egypt. The Conference was glad to recognize the great advance that has been made during the last two years towards a pacific settlement of this com-

*See Appendix III in Sess. Paper No. 37a.

†For speeches on the work of the League of Nations see Appendix IV in Sess. Paper No. 37a.

plex problem, which will safeguard important communications between several parts of the Empire.

The Conference, so much of whose time had been occupied two years ago with the question of the renewal or termination of the Anglo-Japanese Alliance and with the future regulation of the Pacific, noted with satisfaction the results of the Washington Conference, which had added immensely to the security of the world without disturbing the intimate relations that have for so long existed between the Empire and its former Ally.

It recognized with satisfaction the progressive fulfilment of the obligations incurred under the Washington Treaties; it registered the confident belief that the future relations between the Governments and peoples of the British Empire and Japan will be not less sincere and cordial than when the British and Japanese Governments were bound by written conventions; and it recorded its profound sympathy with the Japanese Government and people in the terrible catastrophe which has recently befallen them.

During the session of the Conference, the question of the regulation of the liquor traffic off the American coasts and of the measures to be taken to avoid a serious conflict either of public opinion or of official action was seriously debated. The Conference arrived at the conclusion that, while affirming and safeguarding as a cardinal feature of British policy the principle of the three mile limit, it was yet both desirable and practicable to meet the American request for an extension of the right of search beyond this limit for the above purpose, and negotiations were at once opened with the United States Government for the conclusion of an experimental agreement with this object in view.

Finally the Conference, after listening to a detailed exposition of the work of the League of Nations during the past two years, and more particularly of the recent sitting of the Council and the Assembly at Geneva, placed on record its emphatic approval of the action that had been taken by, and the support that had been given to, the representatives of the British Empire on the latter occasion. There was full accord that the League should be given the unabated support of all the British members of the League as a valuable instrument of international peace, and as the sole available organ for the harmonious regulation of many international affairs.

This Conference is a conference of representatives of the several Governments of the Empire; its views and conclusions on Foreign Policy, as recorded above, are necessarily subject to the action of the Governments and Parliaments of the various portions of the Empire, and it trusts that the results of its deliberations will meet with their approval.

IX.—NEGOTIATION, SIGNATURE AND RATIFICATION OF TREATIES

The principles governing the relations of the various parts of the Empire in connection with the negotiation, signature and ratification of Treaties seemed to the Conference to be of the greatest importance. Accordingly it was arranged that the subject should be fully examined by a Committee, of which the Secretary of State for Foreign Affairs was Chairman. The Secretary of State for the Colonies, the Prime Ministers of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and Newfoundland, the Minister of External Affairs of the Irish Free State, and the Secretary of State for India as Head of the Indian Delegation, served on this Committee. With the assistance of the Legal Adviser to the Foreign Office, Sir C. J. B. Hurst, K.C.B., K.C., the following Resolution was drawn up and agreed to:—

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"The Conference recommends for the acceptance of the governments of the Empire represented that the following procedure should be observed in the negotiation, signature and ratification of international agreements.

"The word 'treaty' is used in the sense of an agreement which, in accordance with the normal practice of diplomacy, would take the form of a treaty between Heads of States, signed by plenipotentiaries provided with Full Powers issued by the Heads of the States, and authorizing the holders to conclude a treaty."

I

"1. Negotiation.

"(a) It is desirable that no treaty should be negotiated by any of the governments of the Empire without due consideration of its possible effect on other parts of the Empire, or, if circumstances so demand, on the Empire as a whole.

"(b) Before negotiations are opened with the intention of concluding a treaty, steps should be taken to ensure that any of the other governments of the Empire likely to be interested are informed, so that, if any such government considers that its interests would be affected, it may have an opportunity of expressing its views, or, when its interests are intimately involved, of participating in the negotiations.

"(c) In all cases where more than one of the governments of the Empire participates in the negotiations, there should be the fullest possible exchange of views between those governments before and during the negotiations. In the case of treaties negotiated at International Conferences, where there is a British Empire Delegation, on which, in accordance with the now established practice, the Dominions and India are separately represented, such representation should also be utilized to attain this object.

"(d) Steps should be taken to ensure that those governments of the Empire whose representatives are not participating in the negotiations should, during their progress, be kept informed in regard to any points arising in which they may be interested.

"2. Signature.

"(a) Bilateral treaties imposing obligations on one part of the Empire only should be signed by a representative of the government of that part. The Full Power issued to such representative should indicate the part of the Empire in respect of which the obligations are to be undertaken, and the preamble and text of the treaty should be so worded as to make its scope clear.

"(b) Where a bilateral treaty imposes obligations on more than one part of the Empire, the treaty should be signed by one or more plenipotentiaries on behalf of all the governments concerned.

"(c) As regards treaties negotiated at International Conferences, the existing practice of signature by plenipotentiaries on behalf of all the governments of the Empire represented at the Conference should be continued, and the Full Powers should be in the form employed at Paris and Washington.

"3. Ratification.

"The existing practice in connection with the ratification of treaties should be maintained.

II.

"Apart from treaties made between Heads of States, it is not unusual for agreements to be made between governments. Such agreements, which are usually of a technical or administrative character, are made in the names of the signatory governments, and signed by representatives of those governments, who do not act under Full Powers issued by the Heads of the States: they are not ratified by the Heads of the States, though in some cases some form of acceptance or confirmation by the governments concerned is employed. As regards agreements of this nature the existing practice should be continued, but before entering on negotiations the governments of the Empire should consider whether the interests of any other part of the Empire may be affected, and, if so, steps should be taken to ensure that the government of such part is informed of the proposed negotiations, in order that it may have an opportunity of expressing its views."

The Resolution was submitted to the full Conference and unanimously approved. It was thought, however, that it would be of assistance to add a short explanatory statement in connection with part 1 (3), setting out the existing procedure in relation to the ratification of Treaties. This procedure is as follows:—

- (a) The ratification of treaties imposing obligations on one part of the Empire is effected at the instance of the government of that part;
- (b) The ratification of treaties imposing obligations on more than one part of the Empire is effected after consultation between the governments of those parts of the Empire concerned. It is for each government to decide whether Parliamentary approval or legislation is required before desire for, or concurrence in, ratifications is intimated by that government.

X.—THE UNITED STATES AND "C" MANDATES

Certain general questions concerning the territories in South West Africa and the Southern Pacific administered under "C" Mandates had been raised by the Government of the United States of America, and the opportunity of the Conference was taken to examine these questions.

XI.—CONDOMINIUM IN THE NEW HEBRIDES

The developments in the New Hebrides since the Conference of 1921 were examined and the present situation and possibilities of action further discussed by representatives of the British Government in consultation with the Prime Ministers of the Commonwealth of Australia and New Zealand.

XII.—DEFENCE

The Conference gave special consideration to the question of Defence, and the manner in which co-operation and mutual assistance could best be effected after taking into account the political and geographical conditions of the various parts of the Empire.

The Lord President of the Council, as Chairman of the Committee of Imperial Defence, opened this part of the work of the Conference by a state-

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ment outlining the main problems of Defence as they exist to-day. He was followed by the First Lord of the Admiralty, the Secretary of State for War and the Secretary of State for Air, each of whom explained to the Conference the aspects of defence which concerned his special responsibilities.

In addition to these statements there was a full and frank interchange of views in which the standpoints of the various representatives and the circumstances of their countries were made clear. There were also discussions at the Admiralty and Air Ministry at which Naval and Air Defence were dealt with in greater detail. The points involved were explained by the Chiefs of the Naval and Air Staffs respectively and were further examined.

In connection with Naval Defence one matter of immediate interest came before the Conference, namely, the projected Empire Cruise of a squadron of modern warships. The First Lord of the Admiralty explained that the project was that two capital ships, the "Hood" and the "Repulse," together with a small squadron of modern light cruisers, should visit South Africa, Singapore, Australia and New Zealand, and return by way of British Columbia, the Panama Canal and Eastern Canada. The light cruisers would accompany the battle cruisers as far as British Columbia, but would return to England by way of the west coast of South America and Cape Horn. The Dominion Prime Ministers expressed their appreciation of this proposal, and assured the Conference that the ships would be most heartily welcomed in their countries.

After the whole field of Defence had been surveyed, the Conference decided that it would be advisable to record in the following resolutions its conclusions on the chief matters which had been discussed:—

- "(1) The Conference affirms that it is necessary to provide for the adequate defence of the territories and trade of the several countries comprising the British Empire.
- "(2) In this connection the Conference expressly recognizes that it is for the Parliaments of the several parts of the Empire, upon the recommendations of their respective Governments, to decide the nature and extent of any action which should be taken by them.
- "(3) Subject to this provision, the Conference suggests the following as guiding principles:—
 - "(a) The primary responsibility of each portion of the Empire represented at the Conference for its own local defence.
 - "(b) Adequate provision for safeguarding the maritime communications of the several parts of the Empire and the routes and waterways along and through which their armed forces and trade pass.
 - "(c) The provision of Naval bases and facilities for repair and fuel so as to ensure the mobility of the fleets.
 - "(d) The desirability of the maintenance of a minimum standard of Naval Strength, namely, equality with the Naval Strength of any foreign power, in accordance with the provisions of the Washington Treaty on Limitation of Armament as approved by Great Britain, all the self-governing Dominions and India.
 - "(e) The desirability of the development of the Air Forces in the several countries of the Empire upon such lines as will make it possible, by means of the adoption, as far as practicable, of a common system of organization and training and the use of uniform manuals, patterns of arms, equipment, and stores (with the exception of the type of aircraft), for each part of the Empire as it may determine to co-operate with other parts with the least possible delay and the greatest efficiency.

“(4) In the application of these principles to the several parts of the Empire concerned the Conference takes note of:—

“(a) The deep interest of the Commonwealth of Australia, the Dominion of New Zealand, and India, in the provision of a Naval Base at Singapore, as essential for ensuring the mobility necessary to provide for the security of the territories and trade of the Empire in Eastern Waters.

“(b) The necessity for the maintenance of safe passage along the great route to the East through the Mediterranean and the Red Sea.

“(c) The necessity for the maintenance by Great Britain of a Home Defence Air Force of sufficient strength to give adequate protection against air attack by the strongest air force within striking distance of her shores.

“(5) The Conference, while deeply concerned for the paramount importance of providing for the safety and integrity of all parts of the Empire, earnestly desires, so far as is consistent with this consideration, the further limitation of armaments, and trusts that no opportunity may be lost to promote this object.”

XIII.—STATUS OF HIGH COMMISSIONERS

Certain questions were discussed relating to the status of the High Commissioners in Great Britain, particularly in connection with precedence and with exemption from taxation, Customs duties, etc.

The representatives of the British Government undertook to examine the points raised, while explaining that any alteration of the existing rules of precedence would require the approval of His Majesty the King.

XIV.—POSITION OF INDIANS IN OTHER PARTS OF THE EMPIRE

The position of Indians in other parts of the Empire was reviewed by the Conference in the light of the developments which have taken place since the Resolution which formed part of the Proceedings at the 1921 Conference. The subject was opened by a general statement from the Secretary of State for India as Head of the Indian Delegation. He explained that the intensity of feeling aroused in India by this question was due to the opinion widely held there (which, however, he did not himself share) that the disabilities of Indians were based on distinction of colour and were badges of racial inferiority. This statement was followed by a full presentation of the case on behalf of India by Sir Tej Bahadur Sapru and His Highness the Maharajah of Alwar.

It was found possible to publish these speeches, and those made in the course of the discussions by the Prime Minister of Great Britain, the Secretary of State for the Colonies, the Dominion Prime Ministers and the Minister of External Affairs of the Irish Free State, shortly after the speeches had been delivered. In this respect the procedure differed from that at the Conference of 1921 when only the Resolution adopted was made public. It is unnecessary in the present Report to do more than refer to the main proposal made on behalf of the Indian Delegation and the views expressed and conclusions reached with regard to it. The Indian proposal was to the effect that the Dominion Govern-

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ments concerned, and the British Government for the Colonies and Protectorates, should agree to the appointment of Committees to confer with a Committee appointed by the Indian Government as to the best and quickest means of giving effect to the Resolution of the 1921 Conference.

In the case of the Union of South Africa, which was not a party to the 1921 Resolution, Sir Tej Bahadur Sapru expressed the hope that the Union Government would agree to the Government of India sending an agent to South Africa who would protect Indian nationals there, who would serve as an intermediary between them and the Union Government, and who would place the Indian Government in full possession of the facts regarding Indian nationals in South Africa.

The Conference expressed its high appreciation of the able and moderate manner in which Lord Peel and his colleagues had presented the Indian case. The opinions expressed and the conclusions reached with regard to the above suggestions were, in brief, as follows:—

The Prime Minister of Canada observed that, so far as he knew, Indians now domiciled in Canada did not suffer any legal or political disability in eight out of the nine provinces of Canada; as regards the ninth province—British Columbia—he was not aware of any legal disability, and even the political disability that existed in the matter of the exercise of the franchise does not apply to all Indians because the federal law relating to the franchise lays it down that any Indian who served with His Majesty's military, naval or air forces is entitled to the franchise. He explained the present difficulties in conceding the franchise to Indians generally in British Columbia which are due not to distinction of colour but to economic and complex political considerations, and he reiterated what he had already said to Mr. Sastri on the occasion of the latter's visit to Canada in 1922, namely, that the question whether natives of India resident in Canada should be granted a Dominion Parliamentary Franchise on terms and conditions identical with those which govern the exercise of that right by Canadian citizens generally was necessarily one which Parliament alone could determine, and that the matter would be submitted to Parliament for consideration when the Franchise Law comes up for revision.

Mr. Mackenzie King added that he was somewhat doubtful whether the visit of a Committee appointed by the Government of India would make it easier to deal with this problem in Canada, but that, should it be desired to send a Committee, the Canadian Government would readily appoint a Committee to confer with the Committee from India.

The Prime Minister of the Commonwealth of Australia explained the principles underlying the present attitude of Australia on this question. He stated that the representatives of every shade of political thought in Australia had shown sympathy with the claim that lawfully domiciled Indians should enjoy full citizen rights, and that he believed that public opinion was ready to welcome, so far as concerned the position of such Indians, any measure conceived in the interests of the Empire as a whole.

The Commonwealth had the right to control the admission to its territories of new citizens, and its immigration policy was founded on economic considerations. He felt that, in view of the position which existed in Australia, there was no necessity for a Committee, but assured the Indian representatives that he would consult his colleagues on his return to Australia as to what action should be taken in connection with the Resolution of the 1921 Conference.

The Prime Minister of New Zealand said that the New Zealand Government would welcome the visit of a Committee from India such as had been

†See Appendix V in Sess. Paper No. 37a.

suggested should this be desired; New Zealand practically gave the natives of India now resident in the Dominion the same privileges as were enjoyed by people of the Anglo-Saxon race who were settled there.

The Prime Minister of the Union of South Africa intimated that, so far as South Africa was concerned, it was not a question of colour, but that a different principle was involved. He stated that the attitude of thinking men in South Africa was not that the Indian was inferior because of his colour or on any other ground—he might be their superior—but the question had to be considered from the point of view of economic competition. In other words, the white community in South Africa felt that the whole question of the continuance of western civilization in South Africa was involved. General Smuts could hold out no hope of any further extension of the political rights of Indians in South Africa and, so far as the Union was concerned, he could not accept Sir Tej Bahadur Sapru's proposal.

The Secretary of State for the Colonies, on behalf of the British Government, cordially accepted the proposal of Sir Tej Bahadur Sapru that there should be full consultation and discussion between the Secretary of State for the Colonies and a Committee appointed by the Government of India upon all questions affecting British Indians domiciled in British Colonies, Protectorates and Mandated Territories. At the same time the Duke of Devonshire was careful to explain that, before decisions were taken as a result of discussions with the Committee, consultations with the local Colonial Governments concerned, and in some cases local inquiry, would be necessary.

Further, while welcoming the proposal, the Duke reminded the Conference that the British Government had recently come to certain decisions as to Kenya, which represented in their considered view the very best that could be done in all the circumstances. While he saw no prospect of these decisions being modified, he would give careful attention to such representations as the Committee appointed by the Government of India might desire to make to him.

Sir Tej Bahadur Sapru, while taking note of the above statement of the Duke of Devonshire, desired to make plain that the recent Kenya decision could not be accepted as final by the people of India.

The Secretary of State for India, summarizing as Head of the Indian Delegation the results attained, pointed out that the discussion had demonstrated that it was a mistake to suppose that Indians throughout the Empire were given an inferior status or that such disabilities as might be felt to exist were based on race or colour.

XV.—CONTRIBUTION OF INDIA TO THE EXPENSES OF THE LEAGUE OF NATIONS

The question of the contribution of India to the expenses of the League of Nations was raised by the representatives of India at the Conference and was referred to a Committee under the Chairmanship of the Secretary of State for the Colonies. It was there explained by Sir Tej Bahadur Sapru that India was assessed far higher than any other part of the Empire, except Great Britain. In 1922, Lord Balfour had stated publicly at a meeting of the Assembly that the various parts of the Empire represented on the League would settle among themselves the exact amount which each would find. India desired to ascertain whether, in view of this statement, some relief could be afforded by the other parts of the Empire.

The members of the Committee representing Great Britain and the Dominions while expressing sympathy with the difficulties of India, explained that

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their Governments were not able to agree to any variation from the standard of contributions already laid down by the Assembly for 1923 and 1924.

In the circumstances it was, of course, impossible for the Committee as a whole to make any recommendation. Sir Tej Bahadur Sapru intimated that India must necessarily reserve the right to raise the question of its contribution at the League Assembly of 1924, and the Secretary of State for India, as Head of the Indian Delegation, affirmed this attitude when the matter came up before the Conference.

The Conference took note of the position.

XVI.—NATIONALITY QUESTIONS

Certain questions connected with the law of British nationality were brought before the Conference at the instance of the Commonwealth Government and were referred to a Committee under the Chairmanship of the Secretary of State for Home Affairs.* These questions were shortly as follows:—

(1) *The grant of naturalization to persons resident in Mandated Territories.*

Apart from certain special cases, there is under the existing law no power to grant an Imperial Certificate of Naturalization to a person who is not qualified by residence in His Majesty's Dominions. The Commonwealth Government proposed an amendment of the law, so as to provide for the grant of certificates on the basis of residence in "B" or "C" Mandated Territories, *i.e.*, the territories administered under Mandates in Africa and the Southern Pacific. To this proposal (which accorded with certain recent decisions of the Council of the League of Nations) the British Government added the suggestion that similar provision should be made, generally speaking, in the case of persons resident in British Protectorates.†

The Committee decided to recommend that the power of granting Certificates of Imperial Naturalization be extended so as to cover persons resident in "B" and "C" Mandated Territories and also in Protectorates.

(2) *The appointment of Committees of Inquiry in connection with the Revocation of Certificates.*

A self-governing Dominion which has adopted Part II of the British Nationality and Status of Aliens Act, 1914, as amended, has power in accordance with the provisions of Section 7 of that Act to revoke certificates of naturalization. Provision is made in the Act for investigation of the circumstances, in given instances, by a Committee of Inquiry, presided over by a person who holds or has held high judicial office. The Commonwealth Statute adopting Part II of the Imperial Act laid down a definition of high judicial office which it is now anticipated may cause difficulty in some cases, as persons of the prescribed standing may not be available. The Commonwealth Government accordingly contemplated the adoption of a somewhat wider definition.

The Committee came to the following conclusion:—

"Having heard the reasons for which the Commonwealth Government is disposed to provide that the presidency over such Committees of

*For the memorandum prepared by the Commonwealth Government see Appendix VI, Part I, in Sess. Paper No. 37a.

†For a joint memorandum on this subject by the Home Office and the Colonial Office see Appendix VI, Part II, in Sess. Paper No. 37a.

Inquiry may, where convenient, be taken by persons holding judicial office of lower standing than that prescribed at present by the Commonwealth statute, the Committee see no objection to a question of machinery of this nature being settled according to local circumstances and needs, if after examination of the experience of the Committee of Inquiry, and of the practice which has grown up in the United Kingdom, the Commonwealth Government desires to make an alteration."

(3) *The Nationality of Married Women.*

The Commonwealth Government proposed an amendment of the Imperial nationality law as to the nationality of British-born women married to aliens. Under the present law the national status of the wife follows that of her husband; a British woman becomes an alien on her marriage to an alien, and there is no power to naturalize her during the continuance of the marriage. The Commonwealth Government have found that the wife's loss of British nationality tends to give rise to hardship in cases where the wife is separated from, or has been deserted by, her husband, and they accordingly suggested an alteration of the law to cover such cases.

This proposal raises wider questions of principle and policy in regard to the national status of married women, which have attracted considerable attention in recent years both within the British Empire and in certain foreign countries.* A number of arguments for and against maintaining the existing rule that "The wife of a British subject shall be deemed to be a British subject and the wife of an alien shall be deemed to be an alien" will be found in the two draft Reports prepared by Members of a Select Committee of both Houses of the British Parliament who examined this question earlier in the year in connection with proposals which had been made for a fundamental alteration in the law.

The discussion of this question by the Committee of the Conference did not disclose any opinion in favour of altering the existing law as to the nationality of husband and wife; and the following resolution was passed:—

"The Committee are of opinion that the principle of the existing law that the nationality of a married woman depends on that of her husband should be maintained. They nevertheless recommend that power should be taken to re-admit a woman to British nationality in cases where the married state, though subsisting in law, has to all practical purposes come to an end."

The conclusions of the Committee were reported to the Conference and received approval.

XVII—VALIDITY OF MARRIAGES BETWEEN BRITISH SUBJECTS AND FOREIGNERS

Another matter suggested by the Commonwealth Government for consideration by the Conference concerned the law relating to the validity of marriages between British subjects and foreigners. The main difficulty appears to be that such a marriage, although validly contracted in British law, may nevertheless in certain circumstances be invalid in the law of the foreign country concerned.†

*The subject in its various aspects is dealt with briefly in a Memorandum prepared by the Home Office, for which see Appendix VI, Part III, in Sess. Paper No. 37a.

†For the correspondence see Appendix VI, Part IV, in Sess. Paper No. 37a.

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The Committee, under the Chairmanship of the Home Secretary, to whom this question was referred, came to the conclusion that, having examined the action which is being taken by the Foreign Office and the Home Office to carry into effect the Marriage with Foreigners Act, 1906, they had no recommendation to make. The Committee's resolution to this effect was laid before the Conference and accepted.

XVIII.—PROPOSED EXTENSION OF THE POWERS OF THE IMPERIAL WAR GRAVES COMMISSION

During the course of the Conference a proposal was received from the Imperial War Graves Commission that the powers conferred upon the commission by the Charter of 10th May, 1917, and the Supplementary Charter of 10th August, 1921, should be extended so as to enable the Commission to comply with a request, based on public expediency and economy, that they should undertake the public duty of the future maintenance of such Cemeteries and Graves as the Old Military Cemetery at Tel el Kebir, the Crimean Cemetery at Scutari, which is in the same plot of ground as the Commission's War Cemetery, and the older Cemeteries in Turkey which could more conveniently be maintained in conjunction with the graves of those who fell in the Great War.

This proposal was submitted to the Representatives of the Governments concerned, all of whom have indicated their acceptance of the proposed amendment of the Charters by the addition of a clause to the following effect:—

“The Commission, if in their absolute discretion they deem it desirable, may, at the request of any Government of any part of Our Empire responsible for or desirous of maintaining any place of burial or memorial whether or not of or relating to such Officers or men as may fall within the descriptions contained in Our Original Charter of May 10, 1917, on Our Supplemental Charter of August 10, 1921, or of or relating to any other Officers, men or civilians whatever, exercise with regard to such place of burial or memorial aforesaid and the graves in such place of burial all or any of their powers as in the said Original and Supplemental Charters were applicable to the said burial place or memorial and graves, provided that the cost of or incidental to any exercise of the additional powers given by this Our Charter be provided by the Government making the aforesaid request.

Accordingly the necessary steps will be taken forthwith to incorporate a clause on the above lines in a further Supplementary Charter for submission to His Majesty the King.

XIX.—ADDRESS TO HIS MAJESTY THE KING, EMPEROR OF INDIA

The following Address to His Majesty was moved by the Prime Minister of Great Britain at the concluding meeting of the Conference and was unanimously adopted.* Mr. Baldwin, as Chairman of the Conference, was asked to submit the Address to His Majesty.

TO HIS MAJESTY THE KING, EMPEROR OF INDIA.

“We, the Prime Ministers and Representatives of the British Empire, who have been assembled to take counsel during the past six weeks, desire,

*For the reply from His Majesty see Appendix VIII in Sess. Paper No. 37a.

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before our meetings come to an end, to give expression once again to our affection and respect for Your Majesty and Her Majesty the Queen, and to reaffirm our fidelity to the Crown.

"We have had to face, in the course of the deliberations at both our Conferences, many and serious problems which confront the sister nations and the peoples of the British Commonwealth. We shall count ourselves fortunate if we have been able to contribute towards the solution of these problems, even to a small degree.

"Yet as we look back on the years which have passed since the Great War, we are proud to feel that, amid the economic and political convulsions which have shaken the world, the British Empire stands firm and that its widely scattered peoples remain one in their belief in its ideals and their faith in its destiny.

"To the task of promoting that unity, of which the Crown is the emblem, Your Majesties have long devoted your strength and labours. We pray that the consciousness of the devotion of the peoples and the members of your Empire may encourage and uphold you in that task for many years to come."

XX.—CONCLUDING RESOLUTION

The Conference at its concluding meeting placed on record the following Resolution:—

"Before the meetings of the Imperial Conference terminate, the Prime Minister of Great Britain and his colleagues desire to express their great pleasure at having been able to welcome in London the Prime Ministers of the Dominions and the other Representatives from overseas, and their appreciation of the readiness of other members of the Conference to travel so far in order to take part in its sittings.

"On their part the Prime Minister and Representatives of the Dominions and India wish to place on record their thanks, first to the Prime Minister of Great Britain for his conduct of the business of the Conference, and secondly, both to him and to the other members of the British Government for their constant attention to its work, in spite of the pressure of other duties.

"The members of the Conference are unanimous that the hours spent in consultation have been of the greatest value, and will do much to facilitate the work of achieving unity of thought and action on matters of common concern to all parts of the Empire."

LONDON, November 8, 1923.

